



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2011 REGULAR SESSION

HOUSE BILL NO. 428

THURSDAY, FEBRUARY 24, 2011

The following bill was reported to the Senate from the House and ordered to be printed.

RECEIVED AND FILED
DATE March 15, 2011
3:01 pm.

ELAINE N. WALKER
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY H. Kinsolving

1 AN ACT relating to school facilities, making an appropriation therefor, and
2 declaring an emergency.

3 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

4 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 157 IS CREATED TO
5 READ AS FOLLOWS:

6 (1) Notwithstanding KRS 157.620 and any provision included in an enacted
7 executive branch budget, urgent and critical construction needs shall be
8 determined by the Department of Education. The department shall provide a
9 funding allocation to a school district for a school that has been closed to the
10 public because it is structurally unsound as determined by a certified engineer, or
11 is otherwise uninhabitable as determined by the commissioner of education, and
12 has a bond that has not been retired. The commissioner of education shall
13 determine if a school qualifying under this subsection shall receive an allocation
14 and shall determine which of the following options is in the best interest of the
15 Commonwealth:

16 (a) To allot funding to the school district to retire the unpaid debt on the
17 structurally unsound or uninhabitable building; or

18 (b) To provide the semi-annual debt service payments on the current issue.

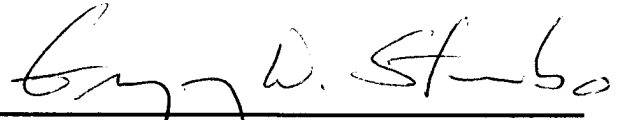
19 (2) If funds are not available for the purpose set out in subsection (1) of this section,
20 the costs shall be deemed a necessary government expense and shall be paid from
21 the general fund surplus account under KRS 48.700 or the budget reserve trust
22 fund under KRS 48.705.

23 (3) If a school district receives an allotment under subsection (1) of this section and
24 subsequently, as the result of litigation or insurance, receives funds for the
25 original facility, the school district shall reimburse the Commonwealth an
26 amount equal to that received pursuant to subsection (1) of this section. If the
27 litigation or insurance receipts are less than the amount received pursuant to

1 subsection (1) of this section, the district shall reimburse the Commonwealth an
2 amount equal to that received as a result of litigation or insurance less the
3 district's costs and legal fees in securing the judgment or payment. Any funds
4 received in this manner shall be deposited in the budget reserve trust fund
5 account established in KRS 48.705.

6 ➔Section 2. Notwithstanding KRS 157.620 and Part I, C., 4., (18) of the 2010 (1st
7 Extraordinary Session) Kentucky Acts Chapter 1, the Department of Education shall use
8 funds appropriated pursuant to Part I, C., 4., (18), of the 2010 (1st Extraordinary Session)
9 Kentucky Acts Chapter 1, to provide funding to any school district that has a school that
10 was closed to the public in 2010 because it is structurally unsound as determined by a
11 certified engineer and has a bond that has not been retired. The commissioner of
12 education shall determine if a school qualifying under this section shall receive an
13 allotment to retire the unpaid debt on the structurally unsound building or shall receive
14 the semi-annual debt service payments on the current issue. If funds are not available for
15 this purpose, the costs shall be deemed necessary government expenses and shall be paid
16 from the general fund surplus account under KRS 48.700 or the budget reserve trust fund
17 under KRS 48.705.

18 ➔Section 3. Whereas schools with urgent and critical construction needs must be
19 renovated or replaced as soon as possible, an emergency is declared to exist, and this Act
20 takes effect upon its passage and approval by the Governor or upon its otherwise
21 becoming a law.

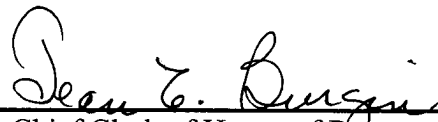


Speaker-House of Representatives



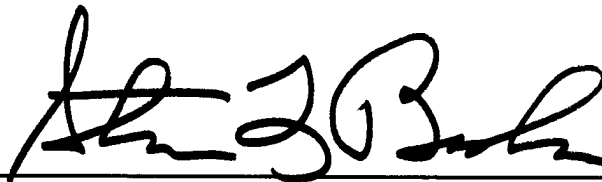
President of Senate

Attest:



Chief Clerk of House of Representatives

Approved



Governor

Date

March 15, 2011